

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 16, 2008

The City Council convened in Regular Session on Tuesday, December 16, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46991

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by DAVE BECKERING to excuse the absence of Councilmember Michael Weller. ERV ERMELING seconded the motion. All voted in favor, motion passed.

ADMINISTRATIVE HEARING

The President of the Council Jerry Reese announced that the following Administrative Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

- A. Administrative Hearing to Consider an Appeal of a Decision of the Landmarks Board to Deny a Request to Construct a Handicap Ramp and Porch with Concrete at 800 South Fifth Street

RESOLUTIONS/AWARDS/PROCLAMATIONS

Presentation of Awards for the Fifth Annual St. Charles City Lights Display Contest

The Honorable Mayor Patricia M. York and Chairperson of the Beautification Commission Sandi Bohler announced the winners of the Fourth Annual St. Charles City Lights Display Contest, as follows:

- Ward 1 – Baue Funeral Home – 620 Jefferson Street
- Ward 2 – Robert Fichtenmayer – 600 Boone Ave.
- Ward 3 – Kenneth R. Bussen – 1829 Summitview Drive
- Ward 3 – Neil & Brenda Wobbe – 40 Eagle Spur Ct.
- Ward 5 – Ray Reinhold – 14 Silverdale Ct.
- Ward 5 – Connie Caldwell & William King – 47 Delacroix Place
- Ward 7 – Art & Judy Masters – 2216 Cherry Lane
- Ward 8 – Edmondson Family – 278 E. Governor Place
- Ward 9 – Rick & Donna Pfaff – 19 Belle Plaine Drive
- Ward 10 – Chris Donaubauer – 620 Nancy Drive
- Mayor’s Choice – Robert Partell – 2920 Westerland Ct.
- Suburban Journal Award – Alicia & Dave Sciortino – 5 Lake Forest Ct. E

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A motion was made by LARRY MUENCH to advance *Item 10A. Veto of Line Item Within the 2009 Budget (Council Bill 9813) Relative to the Frontier Park Pavilion* on the agenda.

MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: “Aye”: Feldman, Klinghammer, Muench, and Reese. “Nay”: Kneemiller, Stivison, Veit, Beckering, and Ermeling. Absent: Weller. Motion failed.

Recognition and Appreciation to the St. Charles City Employees Responsible for the
Installation and Decoration of the Christmas Tree in Berthold Park

The Honorable Mayor Patricia M. York recognized the City Employees responsible for the installation and decoration of the Christmas Tree in Berthold Park, as follows: Public Works Employees Jerry Ruse, Robert Hicks, Cory Rackley, Dave Chiles Aaron Martin, Tom Rimmey, Jim Meyer, Mario Bermudez, and Greg Brokman; and Convention & Visitors Bureau Employees Pat Brewer, Carol Felzien, and Karen Godfrey.

A Resolution Repealing Resolution No. 03-17 and Enacting a New Resolution by
Establishing a *Community Scholarship Program* for High School Seniors (*Sponsors: All
Members of the City Council*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering,
Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Resolution R08-35**

A Resolution of the City of St. Charles Encouraging Residents of City of St. Charles to
Support the Local Community and St. Charles County to “Shop Local” this Holiday
Season and Throughout the New Year (*Sponsors: All Members of the City Council*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling,
Feldman, and Klinghammer

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Resolution R08-36**

A Resolution of Intention to Facilitate the Relocation of the United States Post Office
(*Sponsors: All Members of the City Council*)

Passed “Aye”: Muench, Reese, Stivison, Veit, Beckering, Ermeling, Feldman,
Klinghammer, and Kneemiller

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Resolution R08-37**

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BILLS FOR FINAL PASSAGE

Bill 9820 (Substitute Bill No. 1)

An Ordinance Amending Chapter 39 of the Code of Ordinances by Adding One New Section, to be Known as Sections 39.07, Pertaining to Release and Settlement of Claims filed against the City (*Sponsor: Bob Kneemiller*)

Passed “Aye”: Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Ordinance 08-271**

Bill 9827

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by John Johnston (1722 South River Road) (*Sponsor: Laurie Feldman*)

Passed “Aye”: Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Ordinance 08-272**

Bill 9828 (Supplemental RCA)

An Ordinance Authorizing Supplemental Agreement No. 2 to the Engineering Services Contract with RJN Group, Inc. for the Design of the Arena Parkway Water Main Project in an Amount of \$6,400.00, for a Total Amount Not to Exceed \$136,397.23 (*Sponsors: Michael Klinghammer and Laurie Feldman*)

Passed “Aye”: Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Ordinance 08-273**

Bill 9829 (Supplemental RCA)

An Ordinance Authorizing a Contract with TGB, Inc. for the Construction of the Second Street Water Main Project in an Amount Not to Exceed \$829,376.50 (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on December 19, 2008, and is known as **Ordinance 08-274**

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BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9830

An Ordinance Authorizing the Mayor and City Clerk to Execute a Fee Simple Deed (Gerald R. Wilson – 835 Cunningham) (*Sponsor: Larry Muench*)

Bill 9831

An Ordinance Authorizing a Contract with the Missouri Safety Center and University of Central Missouri to Provide Reimbursement to the City of St. Charles for the DWI (YD&DYL) Enforcement Wave Campaign for the Period of December 8, 2008 Through September 7, 2009 (*Sponsor: Jerry Reese*)

Councilmember Richard Veit requested that his name be added as a Sponsor.

Bill 9832

An Ordinance Authorizing Change Order No. 2 to the Contract with Broyles Lawn Care Services for Additional City-Wide Mowing Services in an Amount of \$5,286.66, for a Total Contract Amount Not to Exceed \$101,586.66 (*Sponsor: Jerry Reese*)

Bill 9833 (Amended)

An Ordinance Amending Chapter 73 of the Code of Ordinances of the City of St. Charles, Missouri by Adding a New Section, to be known as Section 73.41, Pertaining to Commercial Deliveries in the Historic Downtown District (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9833 by restricting the commercial delivery between the hours of 11:00 a.m. and 1:00 p.m. on Main Street only within HDD, rather than all public streets, roads, or alleys within HDD. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed. Councilmember Richard Veit requested that his name be added as a Sponsor.

Bill 9834

An Ordinance Authorizing a Memorandum of Understanding Between the City of Saint Charles and Saint Charles County to Participate in the First Med Program to Provide Public Health Services During a Public Health Emergency (*Sponsor: Jerry Reese*)

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 8.D.1 Request for Authorization to Fill Vacant Position in the Finance Department* from the Consent Agenda. A motion was made by LARRY MUENCH to receive and approve the balance of the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: “Aye”: Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. “Nay”: None. Absent: Weller. Motion passed.

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- A. Approval of Council Minutes
1. Regular Council Meeting of December 2, 2008
 2. Public Hearing of December 2, 2008
- File #46992
- B. Approval of Council Committee Reports
1. Approval of Council Committee Minutes
 - a. Technology Committee Meeting of November 24, 2008
 - b. Convention Center Oversight Committee Meeting of September 22, 2008
 - c. Community Freedom Center Oversight Committee Meeting of October 20, 2008
 - d. Fire Station Design Team Committee Meeting of December 2, 2008
 - e. Council Work Session of December 2, 2008
 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Technology Committee Meeting of November 24, 2008
 - i. Motion to Authorize Contract Negotiations with Plante & Moran for IT Consultant for the Enterprise Project
 - b. Convention Center Oversight Committee Meeting of September 22, 2008
 - c. Community Freedom Center Oversight Committee Meeting of October 20, 2008
 - i. Motion for Chairperson to take the Following Actions on the Hastings & Chivetta Recommended Architect/Engineer Team Proposals
 - Accept McClure Engineering for the Mechanical, Electrical & Plumbing Design Services
 - Accept Fink, Roberts & Petrie for Structural Engineering Design Services; however, contact Hastings & Chivetta to determine why a locally based team was not proposed
 - Accept Cole & Associates for Civil Engineering Design Services
 - Accept Landscape Technologies for Landscape Design Services
- File #46734
- File #46777
- File #46951
- File #46993
- File #46725

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- Accept Acoustical Design Group for Acoustical Consulting Services
 - Contract with Dr. Alison Osinski to provide Aquatic Consulting Services
 - Accept Counsilman – Hunsaker for Indoor Commercial Pool Design Services
 - Eliminate Cooper Consulting for Cost Estimating Services
 - ii. Motion to Direct Chairperson and City Attorney to Negotiate with McCarthy Construction for Construction Manager Services
 - d. Fire Station Design Team Committee Meeting of December 2, 2008 **(None)**
 - e. Council Work Session of December 2, 2008 **(None)**
- C. Receipt of Reports from Boards, Commissions or Committees
- File #46793
- 1. Beautification Commission Meeting of November 5, 2008
 - 2. Cable Television Commission Meeting of October 1, 2008
 - a. Motion to Explore Options to Provide Access to the Cable Station at No Additional Charge for Basic Cable Subscribers as per the Previous Contract
- File #46819
- 3. Convention & Visitors Commission Meeting of October 30, 2008
 - a. Motion to Approve the Following Advertising/Public Relations Contracts
 - i. Charter Media – Christmas
 - ii. MPI Listing (Multiview)
 - iii. Pierce Media (Billboard)
 - iv. KMOV-TV – Christmas
 - v. MSAE – Tab Page
 - vi. Missouri Meetings and Events
- File #46808
- 4. Economic Development Commission Meeting of November 6, 2008
- File #46763
- 5. Special Business District Advisory Board Meeting of October 2, 2008
 - a. Motion to Allocate \$3,500 for Carriage Rides and \$7,500 for Christmas Traditions
- File #46818
- 6. Special Business District Advisory Board Meeting of October 9, 2008
 - a. motion to Approve an Additional \$500 for Carriage Rides for a Total Amount not to Exceed \$4,000
- File #46818

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7. Special Business District Advisory Board Meeting of November 6, 2008
- a. motion to Reimburse SMPS in the Amount of \$675 for the Purchase of Evergreen Trees, to be Paid out of the Maintenance Account
 - b. Motion to Reimburse the Historic Downtown District in the Amount of \$576.30 for the Purchase of Evergreen Trees to be Paid out of the Maintenance Account
 - c. Motion to Submit a Payment in the Amount of \$3,000 to HDD from the Events Account
 - d. Motion to Transfer \$500 from the Maintenance Account to the Events Account
 - e. Motion to Allocate Funds in an Amount not to Exceed \$5,000 for the Missouri Preservation Conference match Requirements
- File #46818
8. Citizens with Disabilities Advisory Board Meeting of October 22, 2008
- File #46862
9. July 4th Celebration Committee Meeting of November 12, 2008
- File #46764
10. July 4th Celebration Committee Meeting of June 25, 2008
- File #46764
- D. Receipt of Reports of the Director of Administration
- 1. Request for Authorization to Fill Vacant Position in the Finance Department
- REMOVED FROM THE CONSENT AGENDA
- 2. Authorization to Negotiate a Contract with Pickett, Ray & Silver, Inc. for Researching Drainage Easements, Analyzing Field Conditions, Developing Remedies, Developing Final Plans and Specifications and Associated Services for the 2008 Bridge Maintenance Creek Cleanout Project
- File #46994
- 3. Notice of Emergency Purchase
- File #46711
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
- 1. Contract with Pundmann Ford to Purchase Two (2) 2009 Special Service Ford Expeditions in an Amount not to Exceed \$57,898.00
- File #46995
- 2. Contract with Law Firm of Shea, Kohl, Alessi and O'Donnell LC to Serve as City Prosecutor in Municipal Court for a Total Contract Amount not to Exceed \$54,000.00
- File #46996

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- F. Preliminary Plats
None
- G. Miscellaneous
1. Report of Court Administrator of Monies Collected and Deposited during the month of November 2008
File #46743
 2. St. Charles Parks and Recreation Board Position on the Concept of a Permanent Pavilion in Frontier Park
File #46997
 3. Continuation of Hiring Process of Vacant Parks Maintenance Position
File #46998
 4. November 2008 Investment Report
File #46737
 5. Approval of Liquor License Application for Thomas Findley dba Lloyd & Harry's Located at 208 North Main Street
File #46710

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 8.D.1. Request for Authorization to Fill Vacant Position in the Finance Department
Director of Administration Michael Spurgeon gave an overview of the justification provided for filling the vacant position in the Finance Department. Discussion was held relative to the request, including the use of funding in a salary account for capital items. A request was made that the Council discuss, in the future, the following issues: 1) allowing two employees in same position to provide for training of new employees; 2) use of salary funding for purchase of capital items. Councilmember Richard Veit requested that a list be maintained on the savings to the City for vacant positions which have not been filled. A motion was made by LARRY MUENCH to approve the request for authorization to fill a vacant position in the Finance Department. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Ermeling, Feldman, Klinghammer, Muench, Reese, and Stivison. "Nay": Veit and Kneemiller. Absent: Weller. Motion passed.
File #46999

REPORT OF THE MAYOR

Veto of Line Item Within the 2009 Budget (Council Bill 9813) Relative to the Frontier Park Pavilion
The Honorable Mayor Patricia M. York read the Veto Message.

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A motion was made by LARRY MUENCH to advance *Item 11.E. Consideration of Mayoral Veto of Line Item Within the 2009 Budget (Council Bill 9813) Relative to the Frontier Park Pavilion* on the agenda. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

Consideration of Mayoral Veto of Line Item Within the 2009 Budget (Council Bill 9813)
Relative to the Frontier Park Pavilion

President of the Council Jerry Reese placed the following question to the City Council: ***Shall the line item within the 2009 Budget relative to the Frontier Park Pavilion take effect, the objections of the Mayor notwithstanding?*** A roll call vote was taken, with the following results: “Aye”: Beckering, Ermeling, Stivison, and Veit. “Nay”: Feldman, Klinghammer, Kneemiller, Muench, and Reese. Absent: Weller. Veto was sustained.

Written and/or Verbal Messages from the Mayor

Feed the Needy. The Honorable Mayor Patricia M. York announced that on December 20, 2008, Global Spectrum is sponsoring a Feed the Needy Event at the Convention Center.

Christmas Traditions. The Honorable Mayor Patricia M. York announced that Christmas Traditions on South Main Street runs through December 27, 2008.

Train Display at Jehling Hardware. The Honorable Mayor Patricia M. York encouraged residents to visit the train display at Jehling Hardware.

Happy Holidays. The Honorable Mayor Patricia M. York wished everyone a Merry Christmas and Happy New Year; and requested that residents take care of their elderly neighbors and friends.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Discussion Relative to Council Expense Accounts

A motion was made by DAVE BECKERING to reappropriate up to \$4,600 of each Councilmember’s expense account into the 2009 Budget, with the remainder of the funds in each Councilmember’s expense account for 2008 to be reappropriated into the Council Directives Account. RICHARD VETI seconded the motion. A roll call vote was taken, with the following results: “Aye”: Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit. “Nay”: None. Absent: Feldman and Weller. Motion passed.

Discussion Relative to Ward Redistricting

Councilmember Dave Beckering stated that the information provided by the City Clerk relative to the timeline for redistricting prior to the April 2010 Election indicates that the ordinance to redistrict should be introduced by the beginning of September 2009. A request was made that additional information relative to the process for redistricting be provided for further discussion at the Council Work Session scheduled for January 13, 2009. Councilmember Laurie Feldman

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also requested that a spreadsheet be provided indicating the population of each Ward, the projected population, and other pertinent information such as number of lots added in new subdivisions within the Ward.

Announcement of “Go Green in St. Charles” Program

Councilmember Laurie Feldman announced that businesses in St. Charles offer for sale “Go Green in St. Charles” Recycling Bags for \$1.75 each.

Discussion Relative to Implementation of the Solid Waste & Recycling Contract with Allied Waste Effective January 1, 2009

Councilmember Laurie Feldman announced that the new Solid Waste & Recycling Contract with Allied Waste will be implemented on January 1, 2009; gave an overview of the process used to generate the contract; and provided information relative to implementation of the new contract. Councilmember Feldman stated that residents can contact Allied Waste Employee Jeri Eaton at 636-255-6142 to voice concerns. Councilmember Bob Kneemiller requested that the City Attorney review the contract with Allied Waste to determine whether the contract could be amended to add a second day per week pick up at the residents cost.

Consideration of Designating December 26, 2008, as a City Holiday

A motion was made by JERRY REESE to designate December 26, 2008 as a City Holiday. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering. “Nay”: None. Absent: Weller. Motion passed.

Written and/or Verbal Messages from the Councilmembers

Flyer Distributed Relative to Pavilion. Councilmember Richard Veit voiced concern relative to a flyer which was distributed to residents with no author/ownership information.

Frontier Park Pavilion. Councilmember Bob Kneemiller requested that the President of the Council place an item on the agenda in January 2009 to establish a Council Committee to discuss construction of a pavilion in Frontier Park.

Snow Removal. Councilmember Bob Kneemiller requested that a discussion relative to snow removal be placed on the January 6, 2009, Regular Council Meeting Agenda.

APPROVAL OF CLOSED MINUTES

A motion was made by LARRY MUENCH to approve the following Closed Session Minutes. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, and Ermeling. “Nay”: None. Absent: Weller. Motion passed.

- A. Special Council Meeting of January 23, 2007, relative to preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)

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- B. Regular Council Meeting of July 1, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- C. Special Council Meeting of July 8, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1)
- D. Council Work Session of July 8, 2008, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- E. Special Council Meeting of July 22, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- F. Regular Council Meeting of August 5, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- G. Special Council Meeting of August 12, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and existing or proposed security systems (RSMo 610.021.19)
- H. Special Council Meeting of September 23, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- I. Regular Council Meeting of October 7, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1)
- J. Council Work Session of November 10, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12);
- K. Regular Council Meeting of November 18, 2008, relative to legal actions, causes of action, or litigation (RSMo 610.021.1)

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- L. Council Work Session of December 2, 2008, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1), leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

The Regular Council Meeting was adjourned at 8:57 p.m.

Date Approved

City Clerk

Jerry Reese, Presiding Officer